

COMMITTEE ON LANDS AND BUILDINGS

December 5, 2006

6:00 PM

Chairman Thibault called the meeting to order.

The Clerk called the roll.

Present: Aldermen Thibault, Smith, Forest, Roy, Long

Messrs.: R. MacKenzie, K. Sheppard, T. Arnold, C. Norwood

Chairman Thibault addressed Item 3 of the agenda:

Communication from Jody Rivard, Superintendent of Communications, on behalf of Verizon Wireless requesting to exercise their lease option on the tower located at Derryfield Park and to amend the agreement as outlined herein.

Alderman Smith moved to approve the request and amend the agreement as outlined. Alderman Forest duly seconded the motion. Chairman Thibault called for a vote. There being none opposed, the motion carried.

Chairman Thibault addressed Item 4 of the agenda:

Communication from Ms. France Howard requesting to purchase city-owned parcel known as Map 861, Lots 32 & 32A.

Deputy City Clerk Johnson stated we would note that we do have the Assessor's report.

Alderman Forest stated Ms. Howard is not here. Actually I talked to her this morning and yesterday and advised her that this may be tabled. Let me explain. Back in May on Mother's Day when we had a disaster with the flooding here in the City and the high water, Ms. Howard's property is located on the southwest corner near No Bottom Pond. At least it is known as No Bottom Pond to me and I don't know if there is any official name. The pond rose about 3 or 3 ½ feet, which actually water locked Ms. Howard's property on three sides. She has been having problems ever since. These two lots in question...I believe one is 20' wide and the other one is 40' wide and neither one of them are buildable. One is on the

south side of her property and then there is one sort of on the southeast side and they sort of cross each other. From talking to the Board of Assessors we felt that if Ms. Howard got these two lots, and I understand that we may have to offer part of them to the abutters on the other side of the street, but it would solve some of her problem if this occurred again because this way she could drive onto this lot to get to her property. During the flooding she could not. I know the Assessors are here. I believe they have spoken to Mr. MacKenzie about this. I am not sure about the Tax Collector or the Highway Department, although Kevin Sheppard is here.

Alderman Smith stated apparently we have reports from the Assessors and from the Tax Collector. Did Planning get any information from Highway?

Robert MacKenzie, Planning Director, responded no we did not get a report back on this particular item. There are no utilities on it now. We just wanted to verify that the Highway Department would not need this as a drainage access from Phillip Street down to the pond area. Likely the answer will be no so we would probably come back to your next meeting with a recommendation that it be found surplus.

Chairman Thibault asked can these be combined to make a buildable lot.

Alderman Forest stated the way the lots are I guess there is one heading east and west and the other one sort of goes north and south. The lots cannot be combined to make one. Again, one is 40' wide and the other one is 20' wide but they are not...it would not be able to be combined to make one lot.

Chairman Thibault asked what do you want to do. Do you want to table this?

Alderman Forest yes I would like to do that.

Alderman Roy stated I will support the tabling motion and ask that we make sure that even though this request came from one of the abutters that we find a way to be fair to all abutters. I think we are working on that.

Alderman Forest moved to table so that the proper staff can look at the lots and report back to the Committee and that the abutters of the property be notified. Alderman Roy duly seconded the motion. Chairman Thibault called for a vote. There being none opposed, the motion carried.

Chairman Thibault addressed Item 5 of the agenda:

Communication from Attorney Craighead, on behalf of Albert Delacey, requesting to purchase city-owned parcel abutting property located at Edna & Claire Streets.

Deputy City Clerk Johnson stated the Assessor's have submitted a report that you have before you. Planning was waiting for some information from Highway and the Tax Collector has submitted her report.

Alderman Roy asked is Mr. MacKenzie ready to talk to us about this one.

Mr. MacKenzie answered sure. This site we wanted to confirm because it used to be a pump site for the Highway Department. I believe we confirmed that they do not have an issue with selling this property. This is a site and not an individual building lot so we can't put it out to public auction because it is not big enough and we would probably want to check with the other abutter. There are two abutters to the property and this goes down towards the...there is a larger abutter who would probably would not be interested in this but there are two abutters that could be interested and if the Board determined this surplus we would probably want to contact both abutters.

Deputy City Clerk Johnson stated I think he wants to make sure that the abutters are all notified because you may have to do a bid between the abutters.

On motion of Alderman Forest, duly seconded by Alderman Long, it was voted to table this item pending notification to the abutters.

Chairman Thibault addressed Item 6 of the agenda:

Informational update concerning Wellington Hill "mini lots" to be presented by the Director of Planning and Community Development.

Mr. MacKenzie stated hopefully this will come up on the screen in a minute. I do have copies to hand out after the presentation. This is a series of pieces of property that are in the northeast portion of the City. It is up on Wellington Hill so if you went up Wellington Road past the highway, left onto Edward Roy Drive and up past the Hitchcock Clinic, up the hill past Fox Hollow which is a townhouse residential development here on the right, there is a large roughly 30 acres of land that at one time was subdivided and platted out but the roads were never built. The properties were sold but because there was no street frontage nobody could build on it. As a result over time the City collected a lot of these

lots through tax deed or a number of the properties were given to the church as a gift. In this area of 30 acres and you can see the highway directly adjacent to it, I-93, but this 30 acre area is a patchwork and that is why it has never been developed. You have too many small pieces and nobody was able to get these together. There are in addition to the City, which owns the pink properties and the diocese, which owns the green properties, there are a few other parcels owned by individuals in this area. We have been working with the diocese and they would like to put a package together to sell this entire area as a unit because that is really the only way someone will find use for the property is if we work together. As you can see it is a patchwork. I am not asking for any action by the Committee tonight. There are several actions that would have to happen if this were to go forward. For example, we would have to do a release and discharge on the paper streets. These are not built; these are just old platted streets that were never used. So release and discharge and potentially a rezoning. Right now it is low-density single family. We would probably look at zoning that was consistent with the abutting areas that have been developed. I have spoken with the Ward Aldermen, Alderman Gatsas, about this and he had concerns about multi-family residential so we would probably look at some other options. So release and discharge and zoning and eventually the owner or us would have to do a quiet title on these paper streets and that is a court process where you get the deed through quiet title. If the Committee generally concurred with this approach...this is property that would fetch millions of dollars and we would then get the proceeds backed in a pro-rata basis depending on how many acres each of us owned. So the diocese and the City would then make a good percentage of this area back in terms of a sale. If this Committee concurred, we would probably bring back to you at the next meeting a surplus determination and we would also ask you to approve an agreement between the City and the diocese for marketing of this property and then later if that was approved we would come back with a zoning change. I would be happy to answer any questions of the Committee.

Alderman Forest asked the area along I-93, does the state have any easements along the east side of the highway.

Mr. MacKenzie answered they don't have easements but they own all of this property so the area that is not in Highway...in fact they own all the way up to here. This land is all under the right-of-way of the State of NH.

Alderman Forest asked so you would probably have to talk to the state or eliminate that from the project.

Mr. MacKenzie answered we would not make any changes to that property. That is separate and we wouldn't touch that state right-of-way.

Alderman Roy stated I have a couple of comments and I talked to Bob about this quite a bit before the meeting. It just occurred to me that as our Interim Economic Development Director we are starting to see economic development projects that are fantastic. Bob congratulations on this fantastic project. My favorite words are block consolidation so you definitely perked my ears up. My concerns are just the agreement, long-term zoning, long-term use, impact on schools and potential wetlands in that area. I pulled up the aerial view in color and there are a lot of...I think seven or eight ponds highlighted and a few good-sized creeks through that area, which would make a fantastic development. I would definitely support moving this forward. I don't know what my other colleague's feelings are but if you are going to negotiate with the diocese I think you need a commitment from this Committee and the Board. I know you mentioned the next meeting but is there any way we can work with you to maybe expedite that and make it so that instead of finding it surplus next meeting...to me it is obviously surplus to City needs where we don't own the chunk ourselves and we would have to work with the diocese to buy land. That rules it out as a school project or anything like that. I wouldn't mind moving on the surplus this evening and starting that process if it helps you.

Mr. MacKenzie replied I would like to get a formal letter to you on the surplus determination. There is a draft agreement with the diocese that I didn't bring tonight because I wanted to give you a briefing beforehand but I could probably mail that out to Committee members so they get plenty of time to review it and depending on when the next meeting is we will be ready to roll with this.

Alderman Roy responded I would definitely support helping you move forward with this so when the time is right I will gladly make those motions.

Alderman Forest asked this is not a time sensitive project correct.

Mr. MacKenzie answered correct.

Alderman Lopez asked the paper streets you said would be a court thing. Is that with the whole package at the same time? Is there value for those paper streets by making it one parcel?

Mr. MacKenzie answered yes I think ultimately the developer would like to have this as one single 30 acre chunk or one total parcel and in order to do that it would need quiet title through the court process. That is not something that the Board of Mayor and Aldermen can grant so we would be looking to do that fairly early on. If this is marketed to a number of potential developers at some point we would begin to go through the quiet title process. That does take a couple of months through the courts.

Alderman Smith asked have you negotiated or did anything with the diocese. Do you think the diocese would be willing to sell it to you? I would think they would want to go with the highest bidder.

Mr. MacKenzie answered in effect what we are looking to do is enter into an agreement with the diocese that we would together sell the property and then just split the proceeds depending on how much land we own now. That is the cleanest way to do it. If we owned almost half of the properties in total, we would get almost half of the proceeds.

Alderman Long asked who would do the marketing for the sale.

Mr. MacKenzie answered I think the agreement calls for the diocese to do the marketing of the property and I am comfortable with that. They are looking to get the highest and best value for the property and we just don't...the City staff just doesn't have a lot of time right now to do good solid marketing.

Chairman Thibault asked do you want us to just lay it over to the next meeting.

Mr. MacKenzie asked if you could just give a vote of general concurrence and let us proceed.

On motion of Alderman Roy, duly seconded by Alderman Forest, it was voted to concur with the plan for the mini lots at Wellington Hill and allow the Planning Department to proceed.

TABLED ITEMS

7. Communication from Paul Borek, Economic Development Director, regarding the Ash Street School property located on Bridge Street.

On motion of Alderman Forest, duly seconded by Alderman Roy it was voted to remove this item from the table.

Mr. MacKenzie stated this is a property as you know that has been in the hopper for some time to dispose of. The School Board determined it surplus to their needs. I think the Aldermen generally recognize there is no other public use for the property but the property does have reverter rights to Amoskeag Industries. Two of their board members are here tonight – Carl Norwood and Barry Brensinger. The City has been negotiating with them as to how to dispose of this property. From my perspective I think it is important to sell this property fairly

quickly for a couple of reasons. One, we want to get it back onto the tax roll and get the tax proceeds from the property and two, if we let it stand much longer without doing much to it, it could start to decay in terms of the roof structure and water damage and that is something we don't want. Thirdly, right now it is up to the Highway Department to maintain the property and pay for the heating costs and everything. That is an expense. We have reached what we consider to be an agreement with Amoskeag Industries. Basically to boil that down, and Tom Arnold has been involved in this and can talk about it more but we would agree to allow Amoskeag Industries to market the property. From the sale, Amoskeag Industries would get 60% of the sale and the City of Manchester 40%. In essence, we would also help them with putting together a team to look at code issues so if we find a user we would help them with code issues and meeting future codes. This money, of course, would go into the one time fund, which could be used for other economic development projects in the City. I am going to keep this brief. The core of this is that there is a reverter clause that basically says once it ceases to be used for school uses that it reverts to Amoskeag Industries. In the past we have worked cooperatively with Amoskeag Industries to have the City get a share of those proceeds. In this case there is an agreement between the two parties that it would be 60%/40% with 60% to Amoskeag and 40% to the City. I would be happy to answer any questions. Again, members of the Amoskeag Board are also here.

Alderman Roy asked the agreement with Amoskeag Industries, and Amoskeag Industries has been fantastic to the City so I thank past boards and current boards for doing everything they can for the City, but the 60%/40% split...can you give a little history as to how that came about and is that typical for other properties. I know we have had a number of schoolhouses that were under the control of Amoskeag Industries come back and be sold. I know that a lot of them went out to non-profit usage. Can you give us some history of what has been typical and is this typical and where that 60%/40% split came from?

Mr. MacKenzie stated historically there have been some properties that were released. In those cases, Amoskeag got a smaller amount than 60%. I think that a couple of the properties were at 20%. They do view each of these transactions as separate and should not set a precedent for the other. This is by far...of the properties in the past they have not gone for a lot of money so this is the largest money at stake. Amoskeag Industries does believe that the reverter rights are clear and they should gain full title of the property so that came about into the negotiations that the City has invested money in this property over the years. The 60%/40% was a compromise. I am not sure if either side across the table was totally happy with that amount, but that represented a compromise between the two interests.

Alderman Roy stated I will switch my next question to your position as Planning Director and the Mayor, who is Chair of the School Board, can chime in on this. With such a fantastic property located just north of the center city, is there absolutely no school use that this building could be used for?

Mr. MacKenzie responded the School Board has determined that there is absolutely no use of this building for school purposes.

Alderman Roy stated I look at the rent we are paying Easter Seals and the timeframe involved in that deal, which is again another fantastic organization helping out the City but we have a spectacular building that makes the perfect schoolhouse in my opinion.

Alderman Lopez asked on Item 6 and I am just reading it for the first time but could you go over that. It says "any expense to the City." Is that going to be deducted before the 60%/40% split?

Mr. MacKenzie answered no. The agreement was that basically up to the point of sale the City has already expended the money on maintenance and that was the City's expense.

Alderman Lopez asked do we know how much we have spent over there.

Mr. MacKenzie answered no I don't have a total number. The largest expense was for heating costs but I don't think there have been any major repairs on the property. I am just going to turn to Kevin Sheppard. He probably does not have any expense numbers.

Kevin Sheppard, Deputy Public Works Director, stated coming into the winter months obviously our expenses are going to go higher. We probably on a yearly basis would spend \$20,000 to \$30,000 between maintaining the school and heat.

Alderman Lopez stated what I was trying to get at was if it takes us a long time to market this thing and someone to buy it and there are added expenses to it, we won't be able to recoup anything is that correct?

Mr. MacKenzie replied that would be correct but I would also add that Amoskeag Industries is very anxious to sell this rapidly and I believe this is...this isn't something that is going to take a year. This is something that could happen in the next few months.

Alderman Lopez asked and there is no leeway in negotiating that particular expense from the total and then the 60%/40% split.

Mr. MacKenzie answered that has been on the table as a negotiable item but in the end the agreement that the group came to was that it would be a 60%/40% split and the City would basically keep paying those costs. It has been under the City jurisdiction and ownership so Amoskeag has had no control over those expenses in the past. That was a negotiable item and the agreement basically says that...they were actually looking for more than the 60% so it was negotiated down.

Alderman Forest stated when the School Administration relinquished that building wasn't there some talk about the building needing some major repair.

Mr. MacKenzie responded it depends on the use that it is put to. Certainly to put it to a reasonable school use it would need major repairs but if it would go to some alternative use such as commercial offices, yes it would need improvements but it may not be as major as trying to convert it back into a school for example.

Alderman Forest asked so it would be an advantage to us and Amoskeag Industries to sell the building.

Mr. MacKenzie answered sell it as soon as possible, yes.

Alderman Long asked what action are you looking for tonight.

Mr. MacKenzie answered the action requested would be, and I will probably check with Tom Arnold...

Deputy City Clerk Johnson interjected it would be that the City recognize the Ash Street School building as no longer utilized as a school building and surplus to City needs and should be disposed of and recommend that the agreement between Amoskeag Industries and the City be approved and that the Mayor be authorized to execute same for and on behalf of the City to facilitate disposition of the property subject to review and approval of the City Solicitor.

Alderman Long asked hasn't the first part already been done.

Deputy City Clerk Johnson answered no it has not been part of a recommendation to the Board.

Alderman Long stated I am not comfortable voting on anything that I am just seeing for the first time tonight. There is too much in there. For example, as Alderman Forest alluded to, what condition is that roof in? What if that roof caves in under a snowstorm? We are responsible to repair that roof and still go to 60%/40%? I mean we have a large responsibility. Have we gotten a breakdown

of the condition of the building? I don't recall seeing one. I would be more comfortable seeing what condition the building is actually in. I know there was an issue with the roof. I don't know how strong the roof is. I don't know how strong the walls are. I don't know what the foundation looks like. In this agreement the City is responsible for all the maintenance and it is to stay in the same condition and state of repair as it is on this effective date. That is a big liability for the City I believe.

Mr. MacKenzie responded in terms of the roof, there are some leaks in the structure. They are not catastrophic leaks but they should be repaired. We had actually allocated \$300,000 to repair the roof. It is not critical to be done because it is not going to fail this winter but it should be done sometime in the near future. That is the only major issue that we are aware of at this time. Again, my concern is if we wait too long on this then problems will crop up.

Alderman Long stated for example the leaks...if a potential buyer says the roof leaks and it has created this electrical problem and I need to replace the electrical or what have you, who is responsible for that. Who determines if that happened during this marketing process and the City is responsible to take a bit out of that one?

Mr. MacKenzie replied again we won't know until we get into the marketing process where we get buyers on site who are willing to make an offer. If there is something unusual in an offer that comes back and we are liable for more things then we will have to come back to the Board. My concern is the longer we wait, the more problems we will have.

Alderman Roy stated Amoskeag Industries is represented tonight by pretty much two of the best in the business. Bob I will throw the question to you and if you want to give it to them that is fine with me. My two concerns, going to where Alderman Long and Alderman Lopez were, is more to the middle of the maintenance paragraph, which says "during the term of this agreement the City agrees to bear all costs of remediation, mitigation and abatement of hazardous or contaminated materials on or under the property and the cost of compliance with laws regulating health safety and the environment" provided such costs don't exceed our aggregate. In looking at that and then comparing it to Amoskeag Industries has the right to select the buyer, negotiate the transaction and set that being an old building that is possibly a lead filled building and asbestos building, I have concerns about our control. I do agree that if it can't be used for a school use let's sell it but do you want to comment on that?

Mr. MacKenzie responded I will comment a little bit and then I would like to put Carl Norwood on the spot. Amoskeag Industries basically indicated that whatever

environmental issues there are there were done by the City and not by Amoskeag Industries. We did get the environmental reports. I think they have gone to Tom Arnold and generally it is in pretty good shape in terms of environmental issues but again until we get in there and actually get a buyer and review all of this stuff we won't know. The best thing to do is sell it as soon as possible. That was an issue in discussion and negotiations. I would ask Carl Norwood to come up.

Carl Norwood, Amoskeag Industries, stated I think a reasonable approach for any buyer coming in he just wants coverage. As far as by law the City was liable and we had a discussion about that. No smoking guns and no hidden agenda but it is a natural question if the City is liable today then they will be liable tomorrow and that is all we want. We hope there are no hazardous concerns there at all but that is an older building as you pointed out.

Alderman Roy stated my concern isn't so much what is there. We all know it is an old building. I had the privilege of touring all of YDC with your colleague and we saw what was in those old buildings. My concern is more the cost. Using hypothetical numbers, if we sell this for \$1 and remediation is 50 cents it comes entirely out of the City side and that is a concern.

Mr. Norwood responded well the building has been under the City's control and maintenance responsibility for the last 100 years and I think that is why we also in the agreement looked towards the dollars...the 40% and not beyond that. It strikes me as that is a reasonable approach. It is your problem today and it should not be passed on to us.

Alderman Smith stated the sole owner for this property is Amoskeag Industries. We don't own it now that it is not a school. Am I correct on that assumption? You have full control over it right now.

Mr. Norwood responded the title is in your name right now but when it is sold it will be to a third party.

Alderman Smith asked in regards to the property and I can see where you are coming from it has been in our possession for 100 years and we were responsible for the maintenance and that and it was the School Board's responsibility at the time but probably what we should do is get the Facilities Manager to find out what the direct costs are. There is a cost to the City and if it is the total replacement of the roof, that is an old Victorian building and it would be costly. I don't know what your thoughts are on that.

Mr. Norwood answered again I don't think a buyer coming in...the normal due diligence would be if there are leaks in the building, small leaks that need to be

repaired. You are talking more of a capital expenditure if the whole roof collapsed and that is something that we didn't even really discuss or think about because that is not the intent. We just wanted to make sure that the normal day-to-day items that you have been taking care of in the past year since it has been vacant continue.

Chairman Thibault stated I think maybe we should hear from Tom Arnold.

Deputy City Solicitor asked what are you asking.

Chairman Thibault stated well as Bob just alluded to maybe you have some information we should know about.

Deputy Solicitor Arnold asked in terms of the environmental.

Chairman Thibault answered no I mean as far as the deal.

Deputy Solicitor Arnold stated again I am not sure what you are asking other than I think Bob has accurately laid out the terms of this deal and the reason for those terms. It was a negotiation process with Amoskeag Industries. The split between Amoskeag and the City prior to this agreement was more to Amoskeag and less to the City and I think that looking at this agreement as a whole it was a negotiation process that involved a lot of different terms, not only the split but the maintenance and the environmental and took into account those responsibilities in determining the split and as Bob said right now the building is in the City's title. Amoskeag does have a right of re-entry. It is their belief that if they exercise that right of re-entry they could get the property in total and would not have to share the proceeds with the City, however, through a negotiation process we have arrived at this agreement and are presenting it.

Alderman Roy asked, Carl, has an appraisal been done on the property.

Mr. Norwood answered yes.

Alderman Roy asked is there anyone currently marketing the property. Has it been shown at all?

Mr. Norwood answered we have been given the responsibility of marketing it, but we thought it would be presumptuous unless we worked out an arrangement with the City so there have been casual showings. There is a level of interest right now and along the idea of marketing it is really a unique building. It is a treasure of the City. I think Amoskeag Industries, as well as the City are working together in economic development. That is our mission so we really take it seriously

regarding what this is going to end up being. Being a unique building, that building has some challenges as far as marketing it. When you walk up the stairs you have that third story and you think about falling over because the rails are pretty low so all of these code things have to be addressed and it is not going to be...it is going to be a very unique individual or group of investors who take this building on. We do have some interest right now and I hopefully we could expedite this process because it is not doing anybody any good. It is an empty building and with any empty building you will see the parking lots and outside of the building deteriorate very rapidly.

Chairman Thibault stated as far as I am concerned, I think we should move this building as quickly as possible and get out of there.

Alderman Roy stated since it has had casual showings there is probably a list number out that that Amoskeag Industries has set – not an appraised number but a list price.

Mr. Norwood responded yes there is.

Alderman Roy asked what is that.

Mr. Norwood answered \$1.250 million.

Mayor Guinta stated I just want to say a couple of things because I have been listening to the questions and they are all very good and pertinent questions. First, I want to thank Amoskeag Industries for looking at the City as a partner. As you know the reverter rights are very clear and while past practice is different than what the law allows, the law does allow a fair argument or a very persuasive argument that Amoskeag is not necessarily in a legal position to provide us any funding. That being said, I think we have worked out an agreement that is acceptable to the City and to Amoskeag because there is that mutual benefit of working in a far more collaborative fashion as we move forward, not just on this project but on future projects. Secondly, some of the issues that some of the Committee members have brought up would not be addressed if we didn't sell the building. For example, if we were to retain title of the building for the next six months and something were to happen, we would be on the hook so selling the building at this point or coming to an agreement doesn't hurt our position in that sense and I think it probably strengthens it because we are likely to sell it, I think, in a fairly quick timeline. The last point I would like to make is that my office has over the last several months received inquiries about the building. I don't want to speak for Mr. Norwood but I think there is considerable interest in the building and I am basing that simply on the fact that I personally have received calls from more than one entity in the City looking to acquire it based on the appraisal prices.

I believe that if we do move forward and there are some issues that are unforeseen that do come up, given the fact that we have had a very cooperative negotiation relationship to this point we would probably be able to work that out and it sounds like we would probably have to come back to the Board anyway. I have been reasonably assured by City staff that there is not any anticipation of any unforeseen issues but in case there are there would be an expectation if it is a major repair that we would come back for Committee and/or Board approval. I would certainly recommend the passage of this agreement. I do think it is a fair agreement for the City and again this would bolster the one time fund, which is already fairly significant at this point and we can continue to invest in our City and work in a very collaborative fashion with Amoskeag not just on this project, but on future projects as well.

Alderman Roy asked Carl how many square feet is that building.

Mr. Norwood answered 16,000.

Alderman Smith moved to recommend approval of the agreement between the City and Amoskeag Industries for the Ash Street School property. Alderman Roy duly seconded the motion. Chairman Thibault called for a vote. The motion carried with Alderman Long being duly recorded in opposition.

8. Communication from Mayor Guinta requesting staff prepare recommendations relating to placing out to competitive/sealed bid parcels located on Granite Street, Phillippe Cote Way and Seal Tanning parking lot as requested by David Brady of Brady-Sullivan.

On motion of Alderman Smith, duly seconded by Alderman Forest, it was voted to remove this item from the table.

Alderman Smith stated it has been four months and I would like an update on what is going on.

Mayor Guinta responded I have come up with a tentative agreement that the parties involved are now reviewing for some minor technical changes. I was hoping to come to this Committee with a finalized agreement in place because we did have a verbal agreement on a memorandum of understanding. That has not been forthcoming because there are some adjustments that are being done. I would anticipate probably after a meeting that I have next week with one of the parties involved that we could come back to this Committee in early January with a finalized MOU. It is progressing. It is taking longer than I anticipated because of the structure of the agreement but the parties are working toward the finality of that MOU and I feel fairly optimistic that we could come back in January. Again,

I thought it would be in December. I do have a follow-up meeting next Monday with one of the parties to try to finalize some of the issues that are being discussed but it looks like it will have to be delayed until January for a final vote from this Committee.

Alderman Roy stated this may end up going to Kevin Sheppard but I was wondering how the sale is affecting the budget over on Granite Street. I know there was talk of retaining walls and some cost savings by the sale. If you want to comment, Mayor, or Kevin can.

Kevin Sheppard, Deputy Public Works Director, stated anything that can be done to move that property obviously could help with the project. There are options, should we not sell the property, as far as restoration of the parking lot but ultimately it is probably the best thing for that area as far as this project goes.

Alderman Roy asked but nothing regarding the retaining walls or any delay of construction is happening now. Everything is going along whether we retain ownership of the parking lots or they are sold? Everything is going along smoothly?

Mr. Sheppard answered yes the project is moving forward.

On motion of Alderman Forest, duly seconded by Alderman Roy it was voted to put this item back on the table.

9. Communication from Tom Remillard, Principal of Building Networks LLC, regarding potential clients submitting proposals for cell phone antennas at 223 James Pollock Drive (school property) and Derryfield Park. *(Note: tabled 08/22/2006 pending reports from School and Parks. Parks has referred communication to Fire Department for their review which is enclosed.)*

This item remained on the table.

There being no further business, on motion of Alderman Smith, duly seconded by Alderman Long, it was voted to adjourn.

A True Record. Attest.

Clerk of Committee